United States Environmental Protection Agency
Region 8, Air Program
1595 Wynkoop Street
Denver, CO 80202

Air Pollution Control
Synthetic Minor Source Permit to Construct

40 CFR 49.151

 # SMNSR-UO-002178-2015.002

Permit to Construct to establish legally and practically enforceable limitations and requirements on sources at an existing facility

Permittee:

Tesoro Logistics-Rockies

Permitted Facility:

Ponderosa Compressor Station
Uintah and Ouray Indian Reservation
Uintah County, Utah

Summary

On September 8, 2015, the EPA received an application from Tesoro Logistics-Rockies (Tesoro), on behalf of QEP Field Services, LLC (QEPFS), requesting a synthetic minor permit for the existing Ponderosa Compressor Station in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49. Tesoro requested legally and practically enforceable emissions and operational limitations that recognize emissions control equipment installed and operating on existing emissions units.

This permit action applies to an existing facility operating on Indian country lands within the Uintah and Ouray Indian Reservation in Utah.

This permit does not authorize the construction of any new emission sources, or emission increases from existing units, nor does it otherwise authorize any other physical modifications to the facility or its operations. This permit is only intended to incorporate requested enforceable emission limits and operational restrictions from the MNSR application. Tesoro requested requirements to control emissions of volatile organic compounds (VOC) from one (1) tri-ethylene glycol (TEG) natural gas dehydration system using an open flame vapor combustion unit (flare) and to control emissions of VOC and hazardous air pollutants (HAP) from two (2) condensate and one (1) produced water storage tanks using an enclosed vapor combustion device (enclosed combustion device).

Upon compliance with this permit, Tesoro will have legally and practically enforceable restrictions on emissions that can be used when determining the applicability of other Clean Air Act (CAA) permitting requirements, such as under the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR part 52 and the Title V Operating Permit Program at 40 CFR part 71 (Part 71 Permit Program).

The EPA has determined that issuance of this MNSR permit will not contribute to National Ambient Air Quality Standards (NAAQS) violations, or have adverse effects on ambient air quality.

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I. Conditional Permit to Construct

A. General Information

Facility: Tesoro Logistics-Rockies – Ponderosa Compressor Station
Permit number: SMNSR-UO-002178-2015.002
SIC Code and SIC Description: 1311- Crude Petroleum and Natural Gas

Site Location:
Ponderosa Compressor Station
SW/SW S28, SE/SE S29, NW/NW S32, NE/NE S3
Township 8S, Range 22E
Uintah and Ouray Indian Reservation
Uintah County, Utah
Latitude 40.08807, Longitude -109.453332

Corporate Office Location
Tesoro Logistics-Rockies
1050 17th Street, Suite 1700
Denver, Colorado 80265

The equipment listed in this permit shall be operated by Tesoro Logistics-Rockies at the location described above.

B. Applicability

1. This federal Permit to Construct is being issued under authority of the MNSR Permit Program.

2. The requirements in this permit have been created, at the Permittee's request to establish legally and practically enforceable restrictions for limiting TEG dehydration system VOC emissions and condensate and produced water storage tank VOC and total HAP emissions.

3. Any conditions established for this facility or any specific units at this facility pursuant to any permit issued under the authority of the PSD Permit Program or the MNSR Permit Program shall continue to apply.

4. By issuing this permit, the EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner, and/or Operator, if the conditions of this permit are not met by the Permittee, Owner, and/or Operator.

C. Requirements for the TEG Dehydration System

1. Construction and Operational Limits

   (a) The Permittee shall install and operate emission controls as specified in this permit on one (1) TEG natural gas dehydration system meeting the following specifications:

      (i) Limited to a maximum throughput of 55 million standard cubic feet per day (MMscfd) of natural gas;
      (ii) Equipped with no more than one (1) natural gas-fired TEG reboiler with a maximum rated heat input of 1 million British thermal units per hour (MMBtu/hr);
      (iii) Equipped with no more than one (1) BTEX condenser, one (1) TEG/gas separation unit, and one (1) flash tank; and

(iv) Equipped with no more than one (1) TEG recirculation pump limited to a maximum pump rate of 11.00 gallons per minute (gpm).

(b) Only the dehydration unit that is operated and controlled as specified in this permit is approved for installation and operation under this permit.

2. Emissions Limits

(a) Emissions of VOC from the TEG dehydration system still vent shall not exceed 6.00 tons in any consecutive 12-month period.

(b) The emission limit shall apply at all times unless otherwise specified in this permit.

3. Control and Operational Requirements

(a) The Permittee shall route all emissions from the TEG dehydration system still vent through a closed-vent system to an open flame vapor combustion device (flare) designed, operated, and monitored as specified in the Requirements for Emissions Control Systems section of this permit.

(b) The Permittee shall follow the manufacturer's recommended maintenance schedule and operational procedures, or recommended maintenance schedule and operational procedures developed by the vendor or Permittee, to ensure optimum performance of the TEG dehydration system, closed-vent system, and flare.

4. Emissions Calculation Requirements

(a) VOC emissions for the TEG dehydration system still vent must be calculated, in tons, and recorded at the end of each month, beginning with the first calendar month that this permit is effective.

(b) Prior to 12 full months of VOC emissions calculations, the Permittee shall, within 7 calendars days of the end of each month, add the emissions for that month to the calculated emissions for all previous months since the effective date of the permit and record the total. Thereafter, the Permittee must, within 7 calendar days of the end of each month, add the emissions for that month to the calculated emissions for the preceding 11 months and record a new 12-month total.

(c) VOC emissions shall be calculated, in tons, using a generally accepted simulation model or software (examples include ProMax and GRI-GLYCalc™ Version 4.0 or higher). Inputs to the model shall be representative of actual average monthly operating conditions of the glycol dehydration unit and may be determined using the procedures documented in the Gas Research Institute (GRI) report entitled, "Atmospheric Rich/Lean Method for Determining Glycol Dehydrator Emissions" (GRI-95/0368.1).

5. Testing Requirements

(a) The Permittee shall perform testing and inspections of the closed-vent system and flare, as specified in the Requirements for Emissions Control Systems section of this permit.

(b) The Permittee shall conduct extended laboratory analysis of the inlet wet gas stream to the TEG dehydration system (extended wet gas analysis) at least once every consecutive 12-month period. Alternatively, wet gas from the facility inlet separator can be taken for use in a process simulation software package. The analysis shall include the inlet gas temperature and pressure at which the sample was taken.

6. Monitoring Requirements

(a) The Permittee shall install, operate, and maintain a meter that continuously measures the natural gas flowrate from the TEG dehydration system. The meter shall be inspected on a monthly basis to ensure proper operation per the manufacturer's specifications.

(b) The Permittee shall convert monthly natural gas flowrate to a daily average by dividing the monthly flowrate by the number of days in the month that the TEG dehydration system processed natural gas. The Permittee shall document the actual monthly average natural gas flowrate.

D. Requirements for Natural Gas Condensate and Produced Water Storage Tanks

1. Construction and Operational Limits

(a) The Permittee shall install, maintain, and operate emission controls as specified in this permit on two (2) 400 barrel (bbl) natural gas condensate storage tanks and one (1) 300 bbl produced water storage tank.

(b) Only the natural gas condensate and produced water storage tanks operated and controlled as specified in this permit are approved for installation and operation under this permit.

2. Emissions Limits

(a) Aggregate emissions from the two (2) 400 bbl natural gas condensate storage tanks and the one (1) produced water storage tank shall not exceed:

(i) VOC: 0.63 tons in any consecutive 12-month period; and
(ii) Total HAP: 0.02 tons in any consecutive 12-month period.

(b) Emissions limits shall apply at all times unless otherwise specified in this permit.

3. Control and Operational Requirements

(a) The Permittee shall route all emissions from the natural gas condensate and produced water storage tanks through a closed-vent system to an enclosed combustion device, both designed, operated, tested, and monitored as specified in the Requirements for Emissions Control Systems section of this permit.

(b) Covers

(i) The Permittee shall equip all openings on each storage tank with a cover to ensure that all hydrocarbon emissions are efficiently being routed through a closed-vent system to a combustion device as specified in the Requirements for Emissions Control Systems section of this permit.

(ii) The Permittee shall ensure that each cover and all openings on the cover (e.g., access hatches, sampling ports, pressure relief valves, and gauge wells) form a continuous impermeable barrier over the entire surface area of the tanks.

(iii) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) whenever material is in a tank on which the cover is installed, except during those times when it is necessary to use an opening as follows:

(A) To add material to, or remove material from the tank (this includes openings necessary to equalize or balance the internal pressure of the tank following changes in the level of the material in the tank);
(B) To inspect or sample the material in the tank; or
(C) To inspect, maintain, repair, or replace equipment located inside the tank.

(iv) Each thief hatch cover shall be weighted and properly seated.

(v) Pressure relief valves shall be set to release at a pressure that will ensure that all hydrocarbon emissions are routed through the closed-vent system to an enclosed combustion device, as specified in the Requirements for Emissions Control Systems section of this permit, under normal operating conditions.

(c) The Permittee shall follow the manufacturer's recommended maintenance schedule and operational procedures, or maintenance schedule and operational procedures developed by the vendor or Permittee, to ensure optimum performance of the natural gas condensate and produced water storage tanks, closed-vent system, and enclosed combustion device.

4. Emissions Calculation Requirements

(a) Aggregate VOC and total HAP emissions from the natural gas condensate and produced water storage tanks covered by this permit must be calculated, in tons, and recorded at the end of each month, beginning with the first calendar month that this permit is effective.

(b) Prior to 12 full months of VOC and total HAP emissions calculations, the Permittee must, within 7 calendars days of the end of each month, add the emissions for that month to the calculated emissions for all previous months since the effective date of the permit and record the total. Thereafter, the Permittee must, within 7 calendar days of the end of each month, add the emissions for that month to the calculated emissions for the preceding 11 months and record a new 12-month total.

(c) VOC and total HAP emissions shall be calculated, in tons and shall be determined using: the measured monthly volume of natural gas condensate and produced water routed to the tanks; the most recent extended laboratory analysis of the natural gas condensate stored in the tanks as required in this permit; a generally accepted simulation model or software (examples include E&P Tanks and ProMax); and the most recent tested VOC and total HAP control efficiency of the control device being used, as required in this permit in Section I.E. Requirements for Emissions Control Systems. Inputs to the model shall be representative of actual average monthly throughput and operating conditions of the storage tanks. Other calculation methods may be used upon prior written approval by the EPA.

5. Testing and Monitoring Requirements

(a) The Permittee shall perform visual inspections of the natural gas condensate and produced water storage tank covers, thief hatches, seals, and pressure relief valves to ensure proper condition and functioning at least once every calendar quarter, as follows:

(i) The quarterly inspections shall be performed while the tanks are being filled.
(ii) Any damaged equipment shall be repaired immediately unless the repair requires resources not currently available. If the resources are not available, the repair shall be completed no later than 15 days after initial identification of the damage.
(iii) All repairs and maintenance activities shall be recorded in a maintenance and repair log and must be available for inspection.

(b) The Permittee shall perform testing and inspections of the closed-vent system and enclosed combustion device, as specified in the Requirements for Emissions Control Systems section of this permit, to ensure that the pressure and vacuum relief set-points of the storage tanks are not being exceeded in a way that has resulted, or may result, in venting of hydrocarbon emissions and possible damage to equipment.

(c) The Permittee shall measure the volume of natural gas condensate and produced water routed to each storage tank to use in subsequently determining the volume of natural gas condensate and produced water processed through the station as required in this section of the permit to calculate aggregate VOC and total HAP emissions from the natural gas condensate and produced water storage tanks.

(d) The Permittee shall conduct extended laboratory analysis of the natural gas condensate stored in the tanks at least once every consecutive 12-month period. The analysis shall include the natural gas condensate temperature and pressure at which the sample was taken.

E. Requirements for Emissions Control Systems

1. Closed-Vent Systems

(a) Each closed-vent system shall route all emissions from the TEG dehydration system still vent or the natural gas condensate and produced water storage tanks through a closed-vent system to a flare or enclosed combustion device, as applicable, designed and operated as specified in this section of the permit.

(b) The Permittee shall design, install, continuously operate, and maintain each closed-vent system such that it is compliant with the following requirements:

(i) The closed-vent system shall route all gases, vapors, and fumes emitted from the TEG dehydration system still vent or the natural gas condensate and produced water storage tanks to the flare or enclosed combustion device, as applicable;

(ii) All vent lines, connections, fittings, valves, relief valves, or any other appurtenance employed to contain and collect gases, vapors, and fumes and transport them to the emissions control devices shall be maintained and operated during any time the device is operating;

(iii) The closed-vent system shall be designed to operate with no detectable emissions;

(iv) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the flare or enclosed combustion device, the Permittee shall meet the one of following requirements for each bypass device:

(A) At the inlet to the bypass device that could divert the stream away from the flare or enclosed combustion device and into the atmosphere, properly install, calibrate, maintain, and operate a flow indicator that is capable of taking periodic readings and sounding an alarm when the bypass device is open such that the stream is being, or could be, diverted away from the flare and into the atmosphere; or

(B) Secure the bypass device valve installed at the inlet to the bypass device in the non-diverting position using a car-seal or a lock-and-key type configuration.

(v) The Permittee shall minimize leaks of hydrocarbon emissions from all vent lines, connections, fittings, valves, relief valves, or any other appurtenance employed to contain, collect, and transport gases, vapors, and fumes to the flare or enclosed combustion device.

2. Flare and Enclosed Combustion Device

(a) The Permittee shall design, install, continuously operate, and maintain a flare and an enclosed combustion device such that the mass content of the uncontrolled VOC emissions from the TEG dehydration system still vent and uncontrolled VOC and total

HAP emissions from the natural gas condensate and produced water storage tanks, as applicable, are reduced by at least 95.0 percent by weight.

(b) The Permittee shall ensure that the flare and enclosed combustion device have sufficient capacity to achieve at least a 95.0 percent VOC and total HAP emission control efficiency for the minimum and maximum hydrocarbon volumetric flow rate and BTU content routed to the device.

(c) The Permittee shall ensure that the flare is designed and operated in accordance with the requirements of 40 CFR 63.11(b).

(d) The Permittee shall ensure that the flare and enclosed combustion device are:

(i) Operated properly at all times that TEG dehydration system still vent emissions or natural gas condensate and produced water storage tank emissions, as applicable, are routed to it;

(ii) Operated with a liquid knock-out system to collect any condensable vapors (to prevent liquids from going through the control device);

(iii) Equipped with a flash-back flame arrestor;

(iv) Equipped with one of the following:

(A) A continuous burning pilot flame, a thermocouple, and a malfunction alarm and notification system if the pilot flame fails; or
(B) An electronically controlled auto-ignition system with a malfunction alarm and notification system if the pilot flame fails while TEG dehydration system still vent emissions or produced water storage tank emissions, as applicable, are routed to it.;

(v) Maintained in a leak-free condition; and

(vi) Operated with no visible smoke emissions.

(e) The Permittee shall follow the manufacturer's recommended maintenance schedule and operational procedures, or recommended maintenance schedule and operational procedures developed by the vendor or Permittee, to ensure optimum performance of the closed-vent systems, flare, and enclosed combustion device.

3. Other Control Devices: Upon written approval by the EPA, the Permittee may use a control device other than that listed above that is capable of reducing the mass content of VOC and total HAP in the hydrocarbon emissions routed to it by at least 95.0 percent, provided that:

(a) In operating such control device, the Permittee follows the manufacturer's, vendor's, or Permittee's written operating instructions, procedures and maintenance schedules to ensure good air pollution control practices for minimizing hydrocarbon emissions;

(b) The Permittee ensures there is sufficient capacity to reduce the mass content of VOC in the hydrocarbon emissions routed to such other control device by at least 95.0 percent for the minimum and maximum natural gas volumetric flow rate and BTU content routed to the device; and

(c) The Permittee operates such a control device to reduce the mass content of VOC in the hydrocarbon emissions routed to it by at least 95.0 percent.

4. Testing Requirements

(a) The Permittee shall ensure that the enclosed combustion device is:

(i) A model demonstrated by a manufacturer to meet the total VOC and total HAP control efficiency requirements of this permit using the procedures specified in 40 CFR part 63, subpart HH for combustion control devices by the due date of the first annual report as specified in the Reporting Requirements section of this permit; or

(ii) Demonstrated by the Permittee to meet the VOC and total HAP control efficiency requirements of this permit by using the procedures specified in in this section by the due date of the first annual report specified in Reporting Requirements section of this permit.

(b) The Permittee shall demonstrate that the closed-vent systems operate with no detectable emissions, using the procedures specified in EPA Method 21 at 40 CFR part 60, Appendix A as follows:

(i) The detection instrument shall meet the performance criteria of Method 21, except that the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the fluid and not for each individual organic compound in the stream;

(ii) The detection instrument shall be calibrated before use on each day of its use as specified in Method 21;

(iii) Calibration gases shall be zero air (less than 10 parts per million by volume (ppmv) hydrocarbon in air) and a mixture of methane in air at a concentration less than 10,000 ppmv;

(iv) If the Permittee chooses to adjust the detection instrument readings to account for background organic concentration level, the background level shall be determined according to the procedures in Method 21;

(v) The Permittee shall determine if a potential leak interface operates with no detectable emissions as follows:

(A) The maximum organic concentration value is compared directly to the applicable value in paragraph (C) below if choosing not to adjust the detection instrument readings for the background organic concentration level; or

(B) If choosing to adjust the detection instrument readings for the background organic concentration level, the value of the arithmetic difference between the maximum organic concentration value measured by the instrument and the background organic concentration value as determined in paragraph (iv) above is compared with the applicable value for the potential leak interface as specified in paragraph (C) below.

(C) A potential leak interface is determined to operate with no detectable emissions if the VOC concentration value measured by the detection instrument is less than 500 ppmv.

(c) The Permittee shall demonstrate that the flare and enclosed combustion device operate with no visible emissions, except for periods not to exceed a total of 2 minutes during any hour using the procedures specified in EPA Method 22 at 40 CFR part 60, Appendix A as follows:

(i) The observation period shall be 1 hour;

(ii) If the flare or enclosed combustion device fails the visible emissions test, the Permittee shall follow the manufacturer's, vendor's, or Permittee's repair instructions, as outlined in the device inspection and maintenance plan, to return the unit to compliant operation. All repairs and maintenance activities shall be recorded in a maintenance and repair log and must be available for inspection;

(iii) Upon return to operation from repair and maintenance activity, the flare shall pass a Method 22 visual emissions test;

(iv) If the flare fails a follow-up Method 22 visible emissions test, the Permittee shall repeat the procedures in paragraphs (ii) and (iii) of this section until the flare passes a follow-up Method 22 visible emissions test; and

(v) The monthly VOC and HAP emissions calculations for the TEG dehydration system required in this permit shall account for the time periods between each failed visible emissions test and subsequent compliant visible emissions test assuming the TEG dehydration system still vent emissions were uncontrolled.

(d) The Permittee may submit to the EPA a written request for approval of alternate test methods, but shall only use those alternate test methods after obtaining written approval from the EPA.

5. <u>Monitoring Requirements</u>

(a) The Permittee shall monitor each closed-vent system for leaks of hydrocarbon emissions from all vent lines, connections, fittings, valves, relief valves, or any other appurtenance employed to contain, collect, and transport gases, vapors, and fumes to the flare and enclosed combustion device as follows:

(i) Within 90 days of the effective date of this permit, conduct an initial inspection according to the procedures specified in Condition II.C.5.(b) of this permit to demonstrate that the closed-vent system operates with no detectable emissions. Subsequent inspections shall be conducted at least once every 12 consecutive calendar months thereafter.

(ii) Within 90 days of the effective date of this permit, conduct an initial visual inspection of the closed-vent system for defects that could result in air emissions

and document each inspection. Defects include, but are not limited to, visible cracks, holes, or gaps in piping; loose connections; or broken or missing caps or other closure devices. Subsequent inspections shall be conducted at least once every calendar quarter thereafter. The inspections shall be based on audio, visual, and olfactory procedures; and

(iii) Any leaks detected in the closed-vent system shall be addressed immediately unless the repair requires resources not currently available. If the resources are not available, the leak shall be repaired no later than 15 days after initial detection of the leak; and

(iv) Upon completion of any repairs, conduct a Method 21 detectable emissions tests as specified in this permit to demonstrate there are no detectable emissions.

(b) The Permittee shall monitor the flare and enclosed combustion device to confirm proper operation as follows:

(i) Within 90 days of the effective date of this permit, conduct an initial inspection to ensure proposer operation according to the manufacturer's, vendor's, or Permittee's recommendations. Subsequent inspections shall be conducted at least once every 6 consecutive calendar months thereafter;

(ii) Visually inspect the pilot light on the device every time a field operator is on location, once per calendar week at a minimum, to ensure that it is lit; and

(iii) Visually confirm that no smoke is present during operation of the smokeless device whenever a field operator is on location, once per calendar week at a minimum. If visible smoke is observed, conduct a Method 22 visible emissions test as specified in this permit to demonstrate there are no visible emissions.

(c) Where sufficient to meet the monitoring requirements the Permittee may use a SCADA system to monitor and record the required data.

F. Recordkeeping Requirements

The Permittee shall document compliance with the VOC emissions limits and the VOC emissions control efficiency requirements in this permit for the TEG dehydration system and natural gas condensate and produced water storage tanks by keeping the following records:

1. All manufacturer, vendor, or Permittee specifications for the TEG dehydration system, natural gas condensate and produced water storage tanks, closed-vent systems, flare, enclosed combustion device, and any monitoring equipment;

2. The site-specific design input parameters provided by the manufacturer, vendor, or Permittee, and used to properly size the closed-vent system, flare, or enclosed combustion device to assure the minimum 95.0 percent VOC control efficiency requirements;

3. The results of all required tests;

4. All wet gas and natural gas condensate extended laboratory analyses;

5. The actual monthly average natural gas flow rate to the TEG dehydration system;

6. The monthly volume of natural gas condensate or produced water handled by each storage tank;

7. The date, time, and length of any events in which the TEG dehydration system still vent or natural gas condensate and produced water storage tank streams were bypassing the flare or enclosed combustion device, or were not otherwise controlled;

8. All inspections of the closed-vent system, natural gas condensate and produced water storage tanks, flare, enclosed combustion device, and any defects observed and the corrective action taken. All inspection records shall include, at a minimum, the following information:

   (a) The date of the inspection;
   (b) The findings of the inspection;
   (c) Any required repairs; and
   (d) The inspector's name and signature.

9. All maintenance conducted on the flare and enclosed combustion device;

10. Any deviations from the operating parameters specified in the manufacturer, vendor, or Permittee site-specific designs for the emissions control systems. The records shall include the control system's total operating time during the calendar month in which the exceedance occurred, the date, time and length of time that the parameters were exceeded, and the corrective actions taken and any preventative measures adopted to operate the control system within that operating parameter;

11. Any instances in which the pilot flame is not present in the flare or the enclosed combustion device while hydrocarbon emissions are vented to it, the date and times that the pilot was not present and the corrective actions taken or any preventative measures adopted to improve the operation of the pilot flame;

12. Any instances of in which the thermocouple (or other heat sensing monitoring device) installed to detect the presence of a flame in an enclosed combustor or engineered flare while hydrocarbon emissions are vented to it is not operational, the time period during which it was not operational, and the corrective measures taken;

13. Any instances of monitoring system breakdowns or other events that result in invalid data, maintenance, and repairs;

14. Any time periods in which detectable emissions or visible emissions are observed emanating from an emissions control device; and

15. The total monthly and consecutive 12-month VOC emissions calculations for the TEG dehydration system still vent and VOC and total HAP emissions calculations for the natural gas condensate and produced water storage tanks.

G. Requirements for Records Retention

1. The Permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.

2. Records shall be kept in the vicinity of the facility, such as at the facility, the location that has day-to-day operational control over the facility, or the location that has day-to-day responsibility for compliance of the facility.

H. Requirements for Reporting

1. Annual Emission Reports

(a) The Permittee shall submit a written annual report of the actual annual emissions from all emission units at the facility covered by this permit each year no later than April 1st. The annual report shall cover the period for the previous calendar year. All reports shall be certified to truth and accuracy by the person primarily responsible for CAA compliance for the Permittee.

(b) The report shall include VOC and total HAP emissions, as applicable.

(c) The report shall be submitted to:

U.S. Environmental Protection Agency, Region 8
Office of Partnerships and Regulatory Assistance
Tribal Air Permitting Program, Mail Code 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202

The report may be submitted via electronic mail to R8AirPermitting@epa.gov.

2. All other documents required to be submitted under this permit, with the exception of the Annual Emission Reports, shall be submitted to:

U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance & Environmental Justice
Air Toxics and Technical Enforcement Program, Mail Code 8ENF-AT
1595 Wynkoop Street
Denver, Colorado 80202

Documents may be submitted via electronic mail to R8AirReportEnforcement@epa.gov.

3. The Permittee shall promptly submit to the EPA a written report of any deviations of emission or operational limits specified in this permit and a description of any corrective actions or preventative measures taken. A "prompt" deviation report is one that is post marked or submitted via electronic mail to r8airreportenforcement@epa.gov as follows:

(a) Within 30 days from the discovery of a deviation that would cause the Permittee to exceed the emission limits or operational limits if left un-corrected for more than 5 days after discovering the deviation; and

(b) By April 1st for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee's ability to meet the emission limits.

4. The Permittee shall submit a written report of any required performance tests to the EPA within 60 days after completing the tests.

5. The Permittee shall submit any record or report required by this permit upon EPA request.

II. General Provisions

A. Conditional Approval

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit to construct. This authorization is expressly conditioned as follows:

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.

2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.

3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.

4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the CAA and is grounds for enforcement action and for a permit termination or revocation.

5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.

6. *NAAQS and PSD Increments:* The permitted source shall not cause or contribute to a NAAQS violation or a PSD increment violation.

7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.

8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

9. *Modifications of Existing Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit allowable emissions of pollutants above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).

10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.

11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.

12. *Severability Clause:* The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.

14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, the Permittee shall also submit a claim of confidentiality in accordance with 40 CFR part 2, subpart B.

15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:

    (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;

    (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

(c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

(d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and

(e) Record any inspection by use of written, electronic, magnetic and photographic media.

16. *Permit Effective Date:* This permit is effective immediately upon issuance unless comments resulted in a change in the proposed permit, in which case the permit is effective 30 days after issuance. The Permittee may notify the EPA, in writing, that this permit or a term or condition of it is rejected. Such notice should be made within 30 days of receipt of this permit and should include the reason or reasons for rejection.

17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.

U.S. Environmental Protection Agency, Region 8
Office of Partnerships and Regulatory Assistance
Tribal Air Permitting Program, 8P-AR
1595 Wynkoop Street
Denver, Colorado 80202

18. *Invalidation of Permit:* Unless this permitted source of emissions is an existing source, this permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the constructions of the approved phases of a phased construction project. The Permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.

19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source of emissions is an existing source.

B. Authorization

Authorized by the United States Environmental Protection Agency, Region 8

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Monica Morales, Acting Director Date
Air Program